REMARKS

Applicants respectfully request continued examination of the present patent application pursuant to 37 C.F.R. § 1.114. A check in the amount of $810.00 is enclosed to satisfy the necessary fee.

The amendment after final submitted on August 28, 2007 has not been entered into the record. Therefore, the amendments made herein are based upon the assumption that the amendment after final will not be entered into the record. As such, claims 24, 38 and 45 have been amended by this paper and claims 31-37 have been cancelled by this paper. Support for the claim amendments may be found throughout the specification and drawings.

Claims 24-30 and 38-45 are rejected for nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 6,754,571 to Gade et al. A terminal disclaimer is submitted herewith, thereby obviating the rejections.

Claims 24-30 and 38-45 are rejected under 35 U.S.C. § 112, ¶ 1 for failing to comply with the enablement requirement. In particular, the Examiner has taken the position that the specification does not provide "a requisite degree for determining the claimed 'maximum damping of relative acceleration.'" (Office action, p. 3.) The claims have been amended to remove the "maximum damping" limitation, thereby obviating the rejections of claims 24-30 and 38-45 under § 112, ¶ 1.

Claims 24, 38 and 45 are rejected under 35 U.S.C. § 112, ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. In particular, the Examiner has taken the position that the term "maximum" is relative and, therefore, the "maximum damping" limitation is indefinite. (Office action, p. 3.) The claims have been amended to remove the "maximum damping" limitation, thereby obviating the rejections of claims 24, 38 and 45 under § 112, ¶ 2.

Claims 24-30 and 38-45 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,060,919 to Takano et al. The rejections are respectfully traversed.

The Takano et al. reference discloses a damping coefficient control device for use in an electrorheologic fluid vibration damper disposed between a vehicle engine and a vehicle chassis. The viscosity of the fluid within the vibration damper is tuned (read: selected) to cope with the bouncing vibration of the engine without the need for electrically actuating the vibration damper.

(Col. 8, ll. 13-16.) However, when a rolling vibration occurs, a current is supplied to the vibration damper to increase the viscosity of the electrorheologic fluid, thereby actuating the vibration damper. (Col. 8, ll. 17-21.) The rolling vibration is detected by detecting a relative velocity, which may be derived from acceleration signals. (Col. 8, ll. 42-53.)

Thus, the Takano et al. reference discloses physically altering the vibration damper based upon the bouncing vibration of a specific engine.

In contrast, the disclosure of the present application acknowledges that "[i]t would be advantageous to provide a control system and method with the capability to control vibrations of various engine/frame assemblies without redesigning the system." (P. 3, ll. 26-28.) Therefore, the claims of the present application require, among other things, calibrating a tunable parameter of the controller that controls the hydraulic mount based upon the bounce resonance frequency of the mounted object.

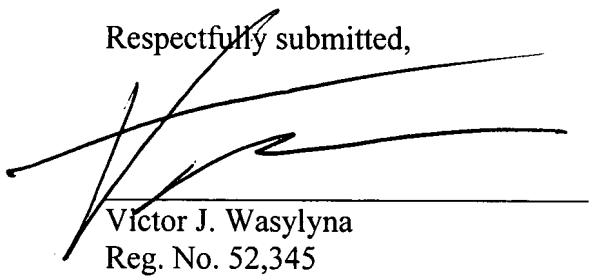
The Takano et al. reference makes no mention of calibrating the controller based upon the bounce resonance frequency of the mounted object. Rather, the Takano et al. reference teaches the undesirable approach of physically altering the vibration damper.

Inasmuch as the Takano et al. reference fails to teach or suggest tuning the control system that controls the mount based upon the bounce resonance frequency of the mounted object, it is submitted that the Takano et al. reference cannot, as a matter of law, anticipate the pending claims of the present application. Withdrawal of the rejections of claims 24-30 and 38-45 under § 102(b) is respectfully requested.

Accordingly, it is submitted that the present application is in condition for allowance and formal notice thereof is respectfully requested.

The Commissioner is hereby authorized to treat any paper that is filed in this application, which requires an extension of time, as incorporating a request for such an extension. (37 C.F.R. § 1.136(a)(3).) The Commissioner is further authorized to charge any fees required by this paper or to credit any overpayment to Deposit Account No. 20-0809.

Respectfully submitted,



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